

Application No. 10/009,607
Reply dated January 3, 2005
Response to Office Action dated October 1, 2004

REMARKS

Favorable consideration and allowance are respectfully requested for claims 3-36 in view of the foregoing amendments and the following remarks.

The title has been amended to recite "Substituted 1-aza-2-imino-Heterocycles and Their Use as Nicotinic Acetylcholine Receptor Activators."

The indication of allowable subject matter for claims 10-13, 19-21 and 26-33 is acknowledged with appreciation and the Examiner is thanked for the careful review and consideration of this application.

The rejection of claim 36 under 35 U.S.C. § 112 is respectfully traversed. Claim 36 is amended to delete the reference to "-CH₂-CH₂-NH-." Accordingly, claim 36 is believed to be in allowable form and reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claim 36 under 35 U.S.C. § 102(b) as anticipated by Janssens et al. (U.S. Patent No. 4,588,722) is respectfully traversed. Claim 36 is amended to recite that in formula (I), A is an optionally substituted aryl group or optionally substituted heterocyclic group selected from the group consisting of thiophene, furan, pyran, pyrrole, pyrazole, pyridine, pyrimidine, pyrazine, pyridazine, imidazole, oxazole, isoxazole, thiazole, isothiazole, quinoline, isoquinoline, indole, azaindole and tetrahydropyrimidine. This amendment is supported by the originally-filed specification, for instance on page 11, lines 6-13.

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Janssens does not teach or suggest a compound corresponding to formula (I) as described in the claim. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

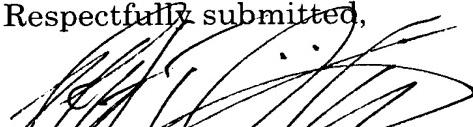
CONCLUSION

In view of the foregoing, the application is respectfully submitted to be in condition for allowance and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100598.50520).

Respectfully submitted,

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